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**ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS**

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MEMORANDUM TO ALL: UNITED STATES JUDGES
CIRCUIT EXECUTIVES
FEDERAL PUBLIC/COMMUNITY DEFENDERS
DISTRICT COURT EXECUTIVES
CLERKS, UNITED STATES COURTS
CHIEF PROBATION OFFICERS
CHIEF PRETRIAL SERVICES OFFICERS
SENIOR STAFF ATTORNEYS
CHIEF PREARGUMENT/CONFERENCE
ATTORNEYS
BANKRUPTCY ADMINISTRATORS
CIRCUIT LIBRARIANS

**SUBJECT: The Availability of Personal Information on Electronic Databases
(INFORMATION)**

The availability of personal information on electronic databases, including Westlaw and Lexis-Nexis, continues to raise security concerns for members of the federal judiciary. In June 1996, we distributed a memorandum and discussion paper on this subject. This memorandum is intended to remind you of the availability of personal information on these electronic databases and to provide again some guidance on how individuals can take action to minimize the availability of this personal information.

While many of us might prefer to limit the proliferation of personal information on publicly accessible, electronic databases, there are important and legitimate business reasons why such information is made available to the public. For example, information derived from public records may be used for tracking title searches, liens, tax records, and assignments of property. You can minimize the availability of personal information on electronic databases, but to do so, individual action is required. The list of "helpful hints" provided as Attachment I provides some guidance on actions you might take to

accomplish this. One specific point seems to stand out -- *having an unpublished residential telephone number is an easy and effective step that is fundamental in minimizing the availability of personal information.* (Unpublished telephone numbers are neither printed in telephone directories nor available from directory assistance.)

Both Westlaw and Lexis-Nexis offer databases which include personal information. These public databases are useful research tools and are services that the judiciary requires. This information is a requirement in the Westlaw contract and is provided under the gift from Lexis-Nexis. The databases are available to the other customers of these companies, and these customers have created a demand for access to this information. For most private individuals, law firms, etc., these on-line services are quite costly. Moreover, there are contractual provisions between the vendors and their customers which limit access to these databases and use of the information retrieved from these databases.

As the Internet becomes more commonplace, it is apparent that the same issues pertain to it. For your information, we have identified approximately 400 database brokers that sell personal information. With this number, it would not only be impossible to reach each of the brokers individually and request deletion of personal data, but also to have assurance that the information is deleted, not refreshed and not re-sold to yet another broker. So the alternative is to remove data from the source material commonly used by the brokers. For example, there are a number of directories available on the Internet which obtain their information from telephone directories. Some provide maps or driving instructions on how to reach an identified address. These may be useful tools, but if an individual does not want his or her address and telephone number listed on these directories, the first step is to obtain a non-published telephone number. The solution for removing information from these databases lies with the individual, who must take action at the local level where the original records are maintained.

Types of Information

There are three distinct types, or categories, of information which are referred to as (1) public records, (2) publicly available information, and (3) private information. The following is a summary of information that originally was provided in my June 18, 1996, memorandum.

(1) Public records are compiled by various public offices and agencies and include information such as real estate records, lien filings and business entity filings. Public

records are compiled with the intent and for the purpose of being made publicly available. Common commercial transactions such as real estate transfers, mortgage lending and commercial financing depend on the accuracy, completeness and accessibility of public records. Public records are generally available through information providers and comprise the vast majority of the Information America databases on Westlaw.

(2) Publicly available information generally originates with the individual and is provided in the course of routine transactions such as ordering telephone service, placing catalog orders, making purchases and joining book clubs. Published telephone numbers, household demographics, and social security numbers all fall within this category of information. This information is often collected and resold into the stream of information commerce. Companies receiving this information may, in turn, make it available to other commercial entities. Because these compilations do not purport to be exhaustive, unlike public records, it is possible for individuals to remove select information from these compilations.

(3) Private or non-public information is *not* available from commercial sources. Private information includes information which is protected from disclosure by law or by custom, such as medical records, employment records, credit records, and the like. This memorandum does not concern private information, since private information is not made available by commercial sources.

The three major credit reporting companies named in the resource sheet in Attachment II are the primary sources for the first two categories of public information. Westlaw and Lexis-Nexis, as well as other on-line services, obtain non-restricted information from the credit reporting companies. Individuals who wish to reduce or suppress the personal information that appears in these directories and on-line services must take individual action and contact the information providers directly.

To assist you in deciding whether to take such action and how to do it, we are providing the following documents:

- Attachment I --- list of "Helpful Hints"
- Attachment II --- data resource list
- Attachment III --- summary of procedures to minimize the availability of personal information
- Attachment IV --- discussion of the public records databases on Westlaw and Lexis-Nexis.

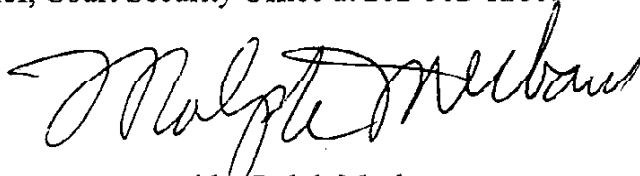
Security of Judges

We are working with the United States Marshals Service (USMS) to upgrade the security for judges. The USMS is in the process of finalizing an off-site security policy which will include a security briefing, a residential security survey, and a notification to all local police entities about the address of any judge residing in their jurisdiction. On November 6, 1998, USMS Director Eduardo Gonzalez and I sent a letter to all judges and marshals introducing a foreign travel notification policy. In addition, the USMS is finalizing a security policy for all circuit judges. This policy will require that district marshals, with the assistance of circuit executives, maintain the telephone numbers and current addresses of circuit judges; be aware of the judges' locations when they are traveling on official business within the circuit; and, ensure that information concerning sensitive cases and other information impacting on their security is shared.

Conclusion

In summary, there are no simple solutions to the issues raised in this memorandum. If you are concerned about the availability of sensitive information regarding you and your family members, the suggested procedures will minimize the availability of that information. The Administrative Office will continue to explore this issue and provide information as to other steps that may be taken with the goal of improving the security of the federal judiciary.

Questions regarding this memorandum may be directed to John P. Hehman, Chief, or Gloria Malkin, CALR Program Administrator, of the Appellate Court and Circuit Administration Division at 202-502-1520. Questions concerning judges' security policies may be directed to Dennis Chapas, Chief, Court Security Office at 202-502-1280.

A handwritten signature in black ink, appearing to read 'Leonidas Ralph Mecham', is written over a horizontal line.

Leonidas Ralph Mecham

Attachments

HELPFUL HINTS

A. Residential Address and Residential Telephone Number

1. On your personal checks, use a post office box address or business address and a business telephone number.
2. Have a "non-published" residential telephone number (neither available in the printed directory nor from directory assistance) or a "non-listed" number (not printed in the directory but available from directory assistance). CD-ROMs containing nationwide listings of telephone directories are readily and cheaply available, and nationwide directories are posted on the Internet. If your telephone number and address are in a directory, they are widely available.
3. Do not complete street directory information forms (e.g., a request to complete street address information for a commercially published directory other than a telephone book).
4. Avoid ordering products or services by telephone. If you do, inform the merchant that you do not want your name, address and telephone number given to others. Not only do the national catalog retailers capture and store your personal information, but local retailers such as pizza delivery services capture your phone number and generally have your name and address displayed on their screen.
5. Avoid completing product warranty or registration cards, consumer surveys, preferred buyer promotions and the like, except for products such as children's car seats and cribs, where it would be vital for you to receive recall information. Avoid using preferred shopper, store discount or check cashing cards. These cards generally permit the retailer to compile lifestyle information (e.g., number, ages and sex of people in the household, income level, etc.) which is then used to compile mailing lists that are sold for marketing purposes.
6. Avoid completing surveys, signing up for free promotions and ordering products or services through online services (e.g., Prodigy, America Online,

CompuServe) or via the Internet. New technology allows online services to monitor online usage and search patterns, and the information can be compiled for marketing purposes.

7. Use Caller I.D. blocking to prevent your phone number from being displayed.
8. In general, avoid giving out your residential address and phone number. Use a post office box or business address and a business phone number whenever possible. If you do provide your residential address and phone number, ask how it will be used and how you can restrict any further use.

B. Social Security Number

1. Avoid providing your social security number to private businesses unless it is required for governmental purposes. Some businesses, such as utilities, may require another form of identification or even a deposit if you do not give them your social security number. Government agencies may have a legitimate need for your social security number. Title 42 U.S.C. § 405 describes when the use of your social security number by government agencies is required for purposes of identification, including tax records and driver licenses. Under the Privacy Act of 1974, all government agencies (local, state and federal) must include on any form which requests your social security number a disclosure statement which indicates whether or not your number is required to be given and how it will be used.
2. Do not include your social security number on checks, business cards or other identifying documents. The combination of your social security number and additional identifying information increases the risk of fraud.
3. If possible, do not use your social security number as your driver's license number.

PERSONAL INFORMATION DATA RESOURCES

Consumer Credit Reporting Agencies

Experian (formerly TRW):

Telephone: 1-800-422-4879 or 1-800-353-0809
Internet: www.experian.com
Mail: Experian Consumer Opt Out
701 Experian Parkway
Allen, TX 75013

Equifax/Choicepoint:

Telephone: 1-800-685-1111 or 1-888-567-8688
Internet: www.equifax.com
Mail: Marketing Decision Systems, Inc.
P.O. Box 740123
Atlanta, GA 30374

Trans Union:

Telephone: 1-800-851-2674 or 1-888-567-8688
Internet: www.transunion.com
Mail: Trans Union Name Removal Option
P.O. Box 97328
Jackson, MS 39288-7328

Reducing Solicitations

The Direct Marketing Association (DMA) maintains lists of individuals who do not want to receive telephone solicitations, "junk" mail, product offers, and catalogues. If you are concerned about unwanted mail or telephone solicitations, you may contact the Direct Marketing Association (DMA). The DMA addresses are:

Mail Preference Service
P.O. Box 9008
Farmingdale, N.Y. 11735

Telephone Preference Service
P.O. Box 9014
Farmingdale, N.Y. 11735

Sample Internet Directories

The following are examples of personal information directories available to the public on the Internet. You may want to check these to confirm what information is available on you or your family.

<http://www.people.yahoo.com>
<http://www.anywho.com>
<http://www.whowhere.lycos.com>.

Individual Reference Service Group (IRSG) Principles

Individual reference services are companies that provide information to identify or locate individuals. Such information might be utilized to locate witnesses to crimes or parents delinquent in child support payments, to detect fraud, and other governmental or business functions. In conjunction with the Federal Trade Commission, the leading companies in this industry agreed to a set of principles governing the collection, use, and distribution of non-public information. The principles represent good practices that the companies agree to support as part of their operations, in response to heightened interest in the industry. This agreement was signed on December 15, 1997. The signatories to this agreement are:

Acxiom Corporation
CDB Infotek, a ChoicePoint Company
DCS Information Systems
Database Technologies, Inc.
Equifax Credit Information Services, Inc.
Experian
First Data Solutions, Inc.
Information America, Inc.
IRSC, Inc.
Lexis-Nexis
Metromail Corporation (now part of Experian)
National Fraud Center
Online Professional Electronic Network
Trans Union Corporation

Additional information can be found on the Internet site www.irsg.org.

Procedures to Minimize the Availability of Personal Information

(1) Public records. Private entities that compile and resell public records generally do not have procedures for the removal of data and will not remove accurate public record data from their databases. Databases of public records are useful and valuable only to the extent to which they are accurate and complete. Accordingly, changes can be made only when initiated by the official public record keeping office. *If you have a compelling privacy or security issue, you may wish to contact the official custodians of those public records that contain sensitive information about you, such as your county's land records office, to determine how to remove your information from the public record.* State and county record offices will have varying procedures and standards for the filing of individual requests to seal any public records. Public records which are placed under seal will not be made available to commercial sources. *This is a matter to pursue at your own discretion, with careful consideration.* There may be adverse consequences to sealing public records, such as difficulty in obtaining credit, tax implications, etc. If you have a public record sealed, you should contact the database providers that include these records in their online services and request that these records be removed from their databases.

(2) Publicly available information. Private entities that collect and resell publicly available information (e.g., direct marketing associations and credit reporting companies) generally have procedures that permit you to "opt out" of certain uses of the data, such as direct marketing. Note, however, that these companies *have no legal obligation* to remove the information. *To request that publicly available information about you or members of your family be deleted from these vendors' compilations, you need to contact the vendors directly.* A list of addresses is provided in Attachment II. There may be minimal fees required by the vendors to process your request.

You must be aware that, to the extent information is available as public records, it most likely will continue to appear in these databases. Many commercial vendors use as their sources both publicly available information and public records. Deletion of information from one source does not result in its elimination from commercial compilations if the information remains in public records.

Westlaw and Lexis-Nexis

Westlaw and Lexis-Nexis both provide online access to public records and publicly available information compiled by third parties from published telephone directories and business information obtained from sources such as Dunn and Bradstreet. The procedures for removing personal information from these services varies, due to the nature of the vendors' compilations of data.

Westlaw

Westlaw obtains information for its public records, people finder, and assets databases through Information America, Inc., a wholly owned subsidiary of West Group. Founded in 1982, Information America is a leading provider of public records and business information services to banks, financial service companies, law firms, government agencies and Fortune 500 companies. Its information is intended to identify and clarify the relationships between businesses, people, and their assets.

The sources of information compiled by Information America include the three major credit reporting companies: Experian, ChoicePoint (formerly Equifax), and Trans Union. Information America is not a consumer credit reporting agency and it does not compile mailing lists or consumer marketing data. It does not maintain any databases of non-public individual financial information, such as individual credit reports, tax records, or bank information. Although Information America offers access to telephone directories, if an individual has a non-published telephone number, that number will not appear in these databases.

Information America does not provide any non-public information to the general public. Customers who may access this information include law firms, commercial lenders, government agencies, and law enforcement personnel. These customers must sign a written agreement with Information America that restricts the customer's use of the data. Social security numbers are displayed only to certain government agency customers.

Information America is creating a notification list of individuals who are interested in receiving information on how to opt out of its databases. In the event Information America would make non-public information available to the general public, it will send

all of the individuals on this list information on the planned product as well as information on how to have their information removed from the product. If you would like to be included on this list, you may send a written request, including your full name and address, to:

Information America, Inc.
Non-Public Information Notification List
Marquis One Tower
245 Peachtree Center Avenue
14th Floor
Atlanta, GA 30303

Please note that Information America does *not* have any plans to make non-public information available to the general public. Additional information can be obtained about Information America, Inc. from its website, www.infoam.com. The website also provides information on privacy, public records, and protecting your personal data.

Lexis-Nexis

Lexis-Nexis has three files of publicly available information, in which information is derived from "header" information provided to Lexis-Nexis by the major credit reporting companies: P-TRAK (information obtained from Trans Union), P-FIND (information obtained from Metromail, now part of Experian), and P-SEEK (information obtained from Experian). In addition, Lexis-Nexis created an EZ-FIND file, which allows searching through the three aforementioned files, but does not add any further information.

The information on the P-TRAK, P-SEEK, and P-FIND files is readily available from sources such as telephone directories and public records maintained by government agencies. The only information displayed is the name of the individual, current address and up to two previous addresses and telephone numbers. In some cases, the individual's maiden or alias name may appear, as well as the month and year of birth. No other information is displayed. The data covers U.S. residents only. These services are marketed to the legal community for use by legal practitioners and law enforcement agencies.

Currently, Lexis-Nexis has procedures established for the removal of personal information from its P-TRAK file, only. Individuals who want to have their names removed from the P-TRAK file can send their full names, complete addresses and

telephone numbers by any of the following methods:

- e-mail to: p-trak@prod.lexis-nexis.com
- mail to ATTN: P-TRAK, P.O. Box 933, Dayton, OH 45401
- fill out a request form available at <http://www.lexis-nexis.com>
- fax to 1-800-732-7672.

Name removal occurs approximately 90 days after receipt of the request and a letter of confirmation will be sent upon removal. This information will be used solely to remove names from the P-TRAK database. Each quarter, Lexis-Nexis reloads updated P-TRAK records and repeats the removal of names of those individuals who previously requested removal. Please note that even after a record is removed from P-TRAK, a person's name could reappear if the individual recently applied for credit using a differently spelled name, new address, etc. To ensure continued removal from P-TRAK, an individual should repeat the request process periodically. In addition, to achieve a more comprehensive removal of personal information from the various people finder files, an individual should contact each of the major credit reporting companies directly, as discussed above.

More information on privacy and the Lexis-Nexis databases can be found on the website www.Lexis-Nexis.com.

Department of Motor Vehicle (DMV) Records

Department of Motor Vehicle (DMV) records of 27 states and the District of Columbia are available on Westlaw and Lexis-Nexis. The vendors provide this information in accordance with the provisions of the federal and state Drivers Privacy Protection Acts (DPPAs). Users who access DMV records through Westlaw or Lexis-Nexis are required to agree to the DPPA terms prior to obtaining access to the DMV records. For example, the DPPA requires users to agree that they are accessing the records in connection with litigation or judicial proceedings.

DMV records of the following states are available: Arkansas, Colorado, Delaware, District of Columbia, Florida, Illinois, Indiana, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New York, North Carolina, Ohio, Oregon, South Carolina, Tennessee, Texas, Utah, Wisconsin, and Wyoming.